

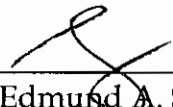
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jerry W. Wyatt,	:	
Plaintiff	:	Civil Action 2:07-cv-608
v.	:	Judge Sargus
Michael J. Astrue,	:	Magistrate Judge Abel
Commissioner of Social Security,	:	
Defendant	:	

ORDER

This matter is before the Court on Magistrate Judge Abel's April 14, 2008 Report and Recommendation. No objections have been filed to the Report and Recommendation. The Court, having reviewed the record *de novo*, determines that this case must be remanded to the Commissioner for further proceedings consistent with the April 14, 2008 Report and Recommendation.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court hereby **REMANDS** this case to the Commissioner for the administrative law judge to consider whether plaintiff meets Listing 12.05(C) and seek additional information, if necessary, to determine plaintiff's level of intellectual functioning.

 6-23-2008
Edmund A. Sargus, Jr.
United States District Judge